

This is a commonsense accountability measure introduced by my Republican colleague from Puerto Rico (Miss GONZÁLEZ-COLÓN), and I applaud her for this.

It is going to increase transparency for post-disaster Federal assistance. It makes sure for citizens who are curious—exactly as the chairman said—who want this information about what the Federal Government has done to help communities in need without their having to go on some massive research project. This gives them an opportunity in a clear and concise way to get a sense of what their Federal Government has done to respond to these disasters. This increased transparency is going to allow the American taxpayers to see where their hard-earned dollars are going.

Mr. Speaker, I urge support of this legislation, and I yield back the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, again, as the gentleman has just said, having some transparency when you have a number of Federal agencies coming into a community that has just been devastated, whether it is in my region by wildfire or on the Gulf Coast by a hurricane or in the Midwest and the South by tornado, people need timely and good information about how the disaster relief is flowing from the Federal Government, in what amounts, and to what places so that there can be actual oversight by people who were directly impacted by the disaster.

That is why I believe this legislation has tremendous merit. I recommend that my colleagues lend their full support to it, and I yield back the balance of my time.

Ms. JACKSON LEE, Mr. Speaker, I rise in strong support of H.R. 2020, the “Post-Disaster Assistance Online Accountability Act.”

H.R. 2020 is a bipartisan initiative to establish an online repository for reporting requirements for recipients of Federal disaster assistance.

I would like to thank my colleague, Delegate GONZÁLEZ-COLÓN, for introducing this legislation to increase transparency of post-disaster assistance.

The Office of Management and Budget (OMB) along with the Secretary of the Treasury and the head of each covered Federal agency will collaborate to create a subpage within the website, www.usaspending.gov, to make the following information available to the public:

Total amount of disaster assistance provided by the agency during quarter;

Amount of disaster assistance provided by the agency that was expanded or obligated to projects or activities; and

Detailed list of all projects or activities for which disaster assistance dispersed by the agency was expended including:

Name and description of project or activity;

Evaluation of the completion status;

Any award identification number assigned;

Catalog Disaster Assistance number assigned by FEMA;

Location of the project, including zip codes; and

Any reporting requirement information collected by a covered Federal agency with respect to that agency's disaster assistance.

H.R. 2020 will require the submission of information by covered federal agencies every 3 months.

When enacted, H.R. 2020 would include natural disasters that are major disasters or emergency declared by the President as well as any other natural disaster made by the Federal Government.

Within the past decade, we have witnessed an increase in the number of natural disasters and extreme weather as a result of climate change.

In 2021, the NOAA National Centers for Environmental Information (NCEI) found that the United States experienced 20 separate billion-dollar weather and climate disasters.

Houston alone has been the site of 7 federally declared disasters since 2015 notably including Hurricane Harvey and Winter Storm Uri.

The growing number of natural disasters makes this legislation increasingly relevant to maintain accountability of post-disaster funds.

H.R. 2020 creates a necessary online reference portal that will be accessible by mayors, legislators, and residents to know the status of funds and their use.

These funds are vital to communities devastated by natural disasters and it is important that we ensure the funds are used for their assigned use.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 2020.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO) that the House suspend the rules and pass the bill, H.R. 2020.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GOOD of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

SMALL STATE AND RURAL RESCUE ACT

Mr. DEFAZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7211) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, review a final rule of the Federal Emergency Management Agency, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7211

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Small State and Rural Rescue Act”.

SEC. 2. DESIGNATION OF SMALL STATE AND RURAL ADVOCATE.

Section 326(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165d) is amended—

(1) by striking “and” at the end of paragraph (2);

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

“(3) assist States in the collection and presentation of material in the disaster or emergency declaration request relevant to demonstrate severe localized impacts within the State for a specific incident, including—
“(A) the per capita personal income by local area, as calculated by the Bureau of Economic Analysis;

“(B) the disaster impacted population profile, as reported by the Bureau of the Census, including—

“(i) the percentage of the population for whom poverty status is determined;

“(ii) the percentage of the population already receiving Government assistance such as Supplemental Security Income and Supplemental Nutrition Assistance Program benefits;

“(iii) the pre-disaster unemployment rate;

“(iv) the percentage of the population that is 65 years old and older;

“(v) the percentage of the population 18 years old and younger;

“(vi) the percentage of the population with a disability;

“(vii) the percentage of the population who speak a language other than English and speak English less than ‘very well’; and

“(viii) any unique considerations regarding American Indian and Alaskan Native Tribal populations raised in the State’s request for a major disaster declaration that may not be reflected in the data points referenced in this subparagraph;

“(C) the impact to community infrastructure, including—

“(i) disruptions to community life-saving and life-sustaining services;

“(ii) disruptions or increased demand for essential community services; and

“(iii) disruptions to transportation, infrastructure, and utilities; and

“(D) any other information relevant to demonstrate severe local impacts.”.

SEC. 3. GAO REVIEW OF A FINAL RULE.

(a) IN GENERAL.—The Comptroller General shall conduct a review of the Federal Emergency Management Agency’s implementation of its final rule, published on March 21, 2019, amending section 206.48(b) of title 44, Code of Federal Regulations (regarding factors considered when evaluating a Governor’s request for a major disaster declaration), which revised the factors that the Agency considers when evaluating a Governor’s request for a major disaster declaration authorizing individual assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(b) SCOPE.—The review required under subsection (a) shall include the following:

(1) An assessment of the criteria used by the Agency to assess individual assistance requests following a major disaster declaration authorizing individual assistance.

(2) An assessment of the consistency with which the Agency uses the updated Individual Assistance Declaration Factors when assessing the impact of individual communities after a major disaster declaration.

(3) An assessment of the impact, if any, of using the updated Individual Assistance Declaration Factors has had on equity in disaster recovery outcomes.

(4) Recommendations to improve the use of the Individual Assistance Declaration Factors to increase equity in disaster recovery outcomes.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the

Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the review required under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from South Dakota (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 7211.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 7211. This bill amends the Stafford Act to expand the responsibilities of the Federal Emergency Management Agency's Small State Rural Advocate so they can better assist smaller States and rural communities that have difficulty dealing with the forms and all the requirements to apply for disaster funding.

When disaster strikes the heart of a small or rural community, a significant percentage of the overall infrastructure or housing stock is often damaged or destroyed. However, the community's size may make the total dollar amount of damage seem too low for FEMA to authorize Federal assistance.

This legislation will enable the Small State Rural Advocate to better help States demonstrate localized impact when applying for Federal disaster aid. It also directs the advocate to consider factors such as the impacted jurisdiction's per capita income and poverty status, among other factors.

Mr. Speaker, this is a good bill. I urge my colleagues on both sides of the aisle to join me in support of this legislation, and I reserve the balance of my time.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. KATKO).

Mr. KATKO. Mr. Speaker, I rise today in strong support of the Small State and Rural Rescue Act. I thank my friends, Chairman DEFAZIO and Ranking Member GRAVES, for their efforts to bring this bill to the floor today.

My constituents in central New York are all too familiar with the significant challenges that come with accessing Federal aid in the wake of a disaster.

Rural communities along Lake Ontario's southern shore in my district have seen historic flooding in recent years, and in the aftermath, local authorities have struggled to navigate

the complex bureaucratic malaise which is the Federal disaster declaration process.

Similarly, across the country, rural communities and relatively small States are forced to grapple with red tape and often struggle to demonstrate the severe localized impact of these disasters. In these instances, FEMA's Small State and Rural Advocate plays a critical role in helping underserved communities access disaster relief.

The Small State and Rural Advocate's office is intended to help ensure fair access to FEMA assistance for all disaster-impacted areas, and it is essential that Congress reinforce its role in facilitating the delivery of essential aid.

That is why I was proud to introduce the Small State and Rural Rescue Act alongside Chairwoman TITUS and Representatives GIMENEZ, PAPPAS, GUEST, and DELGADO—a bipartisan bunch.

This legislation takes important steps to expand and codify the responsibilities of FEMA's Small State and Rural Advocate when it comes to helping State and local officials respond to a disaster. Additionally, this legislation directs GAO to conduct a review of how FEMA mobilizes individual assistance to disaster zones, an essential part of the disaster relief process.

Legislation like this will go a long way in providing support for the rural communities and small States that many of us represent. This is especially important for any of my colleagues on this side of the aisle who may be concerned about their districts not receiving a fair share or an equitable share of the Federal disaster aid programs they pay into.

Mr. Speaker, the Small State and Rural Rescue Act is about fairness for rural communities. I firmly believe we should pass it into law, and I urge my colleagues to join me in supporting H.R. 7211.

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Mr. DEFAZIO. Mr. Speaker, I have no further speakers. I reserve the balance of my time.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield myself such time as I may consume. I don't have any other speakers, so I would view this as my closing.

When you see a small community get hit by disaster, it just breaks your heart. I remember, as chief of staff to Governor Daugaard, being on the ground in Wessington Springs just hours after a tornado ripped up that town. I was struck by this young mayor, Melissa Mebius, a part-time mayor, as small-town mayors are. She was not an expert in disaster recovery. She didn't know how to navigate the FEMA process.

I was reminded of her strength and her persistence just a couple of weeks ago when I was in Castlewood and was able to meet with that mayor, Brian Ries, and get his sense of how their town had been devastated by a tornado.

Mr. Speaker, these are not big towns. To be specific, Castlewood is 627 people, and Wessington Springs has 956. These are good mayors. These are good public works directors. These are good city councilors. These are able leaders, but this is not an area of their expertise.

The gentleman from New York says it right when he says that this is about fairness. H.R. 7211 makes sure that FEMA will have an advocate who will help these small communities better collect and present the information that is vital to a disaster declaration.

We all get it. If the information that is filed with FEMA is deficient, if it does not prove a certain amount of damage, then you are not going to get the declaration that is needed by these communities so that they can move forward with the recovery that these small and rural communities need every bit as the larger, more sophisticated communities do.

Mr. Speaker, I commend the gentleman from New York for his leadership on this issue, and I ask my colleagues to support this legislation.

I yield back the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, thank the gentleman from New York for his leadership on this issue and his friendship on the committee. We are both moving on to maybe greener pastures, but this is an important piece of legislation as part of his legacy. There is much more to it, but at this point, this will be something that will help people around the country.

I lost the entire town of Blue River in my district in the Labor Day fires just 2 years ago. We had winds that we had never experienced before, gusting up to hurricane force down and out of the Cascade Mountains. A power line broke and started an inferno that moved at an incredible pace down the valley.

We are lucky a lot of people didn't die. The evacuation—there is only one way in and one way out of that town, and it is a miracle that more people weren't trapped. It was an extraordinary effort.

The town, except for the high school, which was a little way out of town, was totally devastated. They are now struggling back. They didn't have any technical expertise, in terms of a professional city manager or a grant writer or anything like that.

The State has rendered a lot of assistance to them, as has the county and as has the regional FEMA office. So, they are beginning to rebuild. This legislation will make it a lot easier for communities like that in the future.

Mr. Speaker, I urge my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO) that the House suspend the rules and pass the bill, H.R. 7211.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. GOOD of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this motion are postponed.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Kaitlyn Roberts, one of his secretaries.

OCEAN SHIPPING REFORM ACT OF 2022

Mr. DEFAZIO. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3580) to amend title 46, United States Code, with respect to prohibited acts by ocean common carriers or marine terminal operators, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ocean Shipping Reform Act of 2022”.

SEC. 2. PURPOSES.

Section 40101 of title 46, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) ensure an efficient, competitive, and economical transportation system in the ocean commerce of the United States;”;

(2) in paragraph (3), by inserting “and supporting commerce” after “needs”; and

(3) by striking paragraph (4) and inserting the following:

“(4) promote the growth and development of United States exports through a competitive and efficient system for the carriage of goods by water in the foreign commerce of the United States, and by placing a greater reliance on the marketplace.”.

SEC. 3. SERVICE CONTRACTS.

Section 40502(c) of title 46, United States Code, is amended—

(1) in paragraph (7), by striking “; and” and inserting a semicolon;

(2) in paragraph (8), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(9) any other essential terms that the Federal Maritime Commission determines necessary or appropriate through a rule-making process.”.

SEC. 4. SHIPPING EXCHANGE REGISTRY.

(a) IN GENERAL.—Chapter 405 of title 46, United States Code, is amended by adding at the end the following:

“§ 40504. Shipping exchange registry

“(a) IN GENERAL.—No person may operate a shipping exchange involving ocean transportation in the foreign commerce of the United States unless the shipping exchange is registered as a national shipping exchange under the terms and conditions provided in this section and the regulations issued pursuant to this section.

“(b) REGISTRATION.—A person shall register a shipping exchange by filing with the Federal Maritime Commission an application for registration in such form as the Commission, by rule, may prescribe, containing the rules of the exchange and such other information and documents as the Commission, by rule, may prescribe as necessary or appropriate to complete a shipping exchange’s registration.

“(c) EXEMPTION.—The Commission may exempt, conditionally or unconditionally, a shipping exchange from registration under this section if the Commission finds that the shipping exchange is subject to comparable, comprehensive supervision and regulation by the appropriate governmental authorities in a foreign country where the shipping exchange is headquartered.

“(d) REGULATIONS.—Not later than 3 years after the date of enactment of the Ocean Shipping Reform Act of 2022, the Commission shall issue regulations pursuant to subsection (a), which shall set standards necessary to carry out subtitle IV of this title for registered national shipping exchanges. For consideration of a service contract entered into by a shipping exchange, the Commission shall be limited to the minimum essential terms for service contracts established under section 40502 of this title.

“(e) DEFINITION OF SHIPPING EXCHANGE.—In this section, the term ‘shipping exchange’ means a platform (digital, over-the-counter, or otherwise) that connects shippers with common carriers for the purpose of entering into underlying agreements or contracts for the transport of cargo, by vessel or other modes of transportation.”.

(b) APPLICABILITY.—The registration requirement under section 40504 of title 46, United States Code (as added by subsection (a)), shall take effect on the date on which the Federal Maritime Commission states the rule is effective in the regulations issued under such section.

(c) CLERICAL AMENDMENT.—The analysis for chapter 405 of title 46, United States Code, is amended by adding at the end the following:

“40504. Shipping exchange registry.”.

SEC. 5. PROHIBITION ON RETALIATION.

Section 41102 of title 46, United States Code, is amended by adding at the end the following:

“(d) RETALIATION AND OTHER DISCRIMINATORY ACTIONS.—A common carrier, marine terminal operator, or ocean transportation intermediary, acting alone or in conjunction with any other person, directly or indirectly, may not—

“(1) retaliate against a shipper, an agent of a shipper, an ocean transportation intermediary, or a motor carrier by refusing, or threatening to refuse, an otherwise-available cargo space accommodation; or

“(2) resort to any other unfair or unjustly discriminatory action for—

“(A) the reason that a shipper, an agent of a shipper, an ocean transportation intermediary, or motor carrier has—

“(i) patronized another carrier; or

“(ii) filed a complaint against the common carrier, marine terminal operator, or ocean transportation intermediary; or

“(B) any other reason.”.

SEC. 6. PUBLIC DISCLOSURE.

Section 46106 of title 46, United States Code, is amended by adding at the end the following:

“(d) PUBLIC DISCLOSURES.—The Federal Maritime Commission shall publish, and annually update, on the website of the Commission—

“(1) all findings by the Commission of false detention and demurrage invoice information by common carriers under section 41104(a)(15) of this title; and

“(2) all penalties imposed or assessed against common carriers, as applicable, under sections 41107, 41108, and 41109, listed by each common carrier.”.

SEC. 7. COMMON CARRIERS.

(a) IN GENERAL.—Section 41104 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “may not” and inserting “shall not”;;

(B) by striking paragraph (3) and inserting the following:

“(3) unreasonably refuse cargo space accommodations when available, or resort to other unfair or unjustly discriminatory methods;”;

(C) in paragraph (5), by striking “in the matter of rates or charges” and inserting “against any commodity group or type of shipment or in the matter of rates or charges”;;

(D) in paragraph (10), by adding “, including with respect to vessel space accommodations provided by an ocean common carrier” after “negotiate”;;

(E) in paragraph (12) by striking “; or” and inserting a semicolon;

(F) in paragraph (13) by striking the period and inserting a semicolon; and

(G) by adding at the end the following:

“(14) assess any party for a charge that is inconsistent or does not comply with all applicable provisions and regulations, including subsection (c) of section 41102 or part 545 of title 46, Code of Federal Regulations (or successor regulations);

“(15) invoice any party for demurrage or detention charges unless the invoice includes information as described in subsection (d) showing that such charges comply with—

“(A) all provisions of part 545 of title 46, Code of Federal Regulations (or successor regulations); and

“(B) applicable provisions and regulations, including the principles of the final rule published on May 18, 2020, entitled ‘Interpretive Rule on Demurrage and Detention Under the Shipping Act’ (or successor rule); or

“(16) for service pursuant to a service contract, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage against any commodity group or type of shipment.”; and

(2) by adding at the end the following:

“(d) DETENTION AND DEMURRAGE INVOICE INFORMATION.—

“(1) INACCURATE INVOICE.—If the Commission determines, after an investigation in response to a submission under section 41310, that an invoice under subsection (a)(15) was inaccurate or false, penalties or refunds under section 41107 shall be applied.

“(2) CONTENTS OF INVOICE.—An invoice under subsection (a)(15), unless otherwise determined by subsequent Commission rule-making, shall include accurate information on each of the following, as well as minimum information as determined by the Commission:

“(A) Date that container is made available.

“(B) The port of discharge.

“(C) The container number or numbers.

“(D) For exported shipments, the earliest return date.

“(E) The allowed free time in days.

“(F) The start date of free time.

“(G) The end date of free time.

“(H) The applicable detention or demurrage rule on which the daily rate is based.

“(I) The applicable rate or rates per the applicable rule.

“(J) The total amount due.

“(K) The email, telephone number, or other appropriate contact information for questions or requests for mitigation of fees.